

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mark Sullivan,

Plaintiff,

v.

The Ohio State University, et al.,

Defendants.

Case No. 2:23-cv-3174

Judge Michael H. Watson

Magistrate Judge Jolson

OPINION AND ORDER

Plaintiff Mark Sullivan moves to dismiss his claims against Defendants Dennett Tepper and William Wattercutter under Federal Rule of Civil Procedure 21. ECF No. 79. Sullivan represents that Defendants have no objection and that counsel for all Defendants have consented. *Id.* The Court **GRANTS** Sullivan's motion for the reasons below.

Under Rule 21, "the court may at any time, on just terms, add or drop a party" either "[o]n motion or on its own[.]" Fed. R. Civ. P. 21; see also *Espinosa v. First Advantage Background Services Corp.*, 343 F.R.D. 414, 415 (S.D. Ohio 2023) ("[T]he procedural vehicle for dropping fewer than all the claims or parties is Rule 21." (citation omitted)). Before granting a Rule 21 motion to dismiss, "courts should consider Rule 41 standards as guidance for analyzing potential prejudice to the non-movants." *Igo v. Sun Life Assurance Co. of Canada*, 652 F. Supp. 3d 929, 936 (S.D. Ohio 2023) (citation omitted). And, when considering prejudice pursuant to dismissal under Rule 41, "a court should consider such

factors as the defendant's effort and expense of preparation for trial, excessive delay and lack of diligence on the part of the plaintiff in prosecuting the action, insufficient explanation for the need to take a dismissal, and whether a motion for summary judgment has been filed by the defendant." *Grover v. Eli Lilly & Co.*, 33 F.3d 716, 718 (6th Cir. 1994) (citation omitted).

Here, no factor disfavors dismissing Sullivan's claims against Tepper and Wattercutter. The Court thus concludes that dismissing Tepper and Wattercutter is warranted. The Court **GRANTS** Sullivan's motion to dismiss and **DISMISSES WITHOUT PREJUDICE** Sullivan's claims against Tepper and Wattercutter.

The Clerk shall terminate ECF No. 79.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT